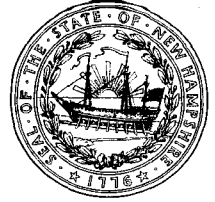




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

April 14, 2006

CERTIFIED MAIL
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RETURN RECEIPT REQUESTED

LETTER OF DEFICIENCY
No. WMD 06-008

Jim Dedeus, President
JMD Industries, Inc.
1 Park Avenue
Hudson, NH 03051

Re: JMD Industries, Inc.
Hudson, New Hampshire
EPA ID # NHD982716227

Dear Mr. Dedeus:

On March 7, 2006 the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of JMD Industries, Inc. ("JMD"). The purpose of the inspection was to determine the JMD's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

1. RSA 147-A:5, III - Hazardous Waste Coordinator Requirements

At the time of the inspection, JMD did not have a Hazardous Waste Coordinator currently certified by DES.

RSA-147:A5, III requires each hazardous waste generator that generates more than 220 pounds of hazardous waste per month to have on staff at the facility where the hazardous waste is generated, a hazardous waste coordinator certified by the department. Initial certification shall be valid for one year and may be renewed for subsequent one-year terms.

Bruce Cyr, John Dedeus, and Allison Viger, were certified by DES as New Hampshire Hazardous Waste Coordinators on June 2, 2004, June 11, 2003, and May 30, 2003, respectively. However, as stated above initial certification is valid for one year and may

be renewed for subsequent one-year terms. JMD has failed to have a New Hampshire Certified Hazardous Waste Coordinator from June 2, 2005 to the present.

JMD will need to:

- a. Ensure that it has at least one (1) employee on-site who is a New Hampshire Certified Hazardous Waste Coordinator;
- b. Schedule a facility representative to attend a Hazardous Waste Coordinator Certification training class; and
- c. Include with JMD's response to this letter the arrears payment of \$200 per year (\$125 for certification and \$75 for the course) due the state for the Hazardous Waste Coordinator Certification missed since June 2, 2005 to the present to make the state whole.

JMD has registered Bruce Cyr and Allison Viger for the May 30, 2006 Basic Hazardous Waste Certification Class.

JMD must ensure that at least one (1) employee on-site is a New Hampshire Certified Hazardous Waste Coordinator and submit the \$200 arrears payment to DES.

2. Env-Wm 502.01 – Hazardous Waste Determination

At the time of the inspection, a formal hazardous waste determination had not been performed for the waste corrosive solids generated throughout the facility and stored in the main hazardous waste storage area.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that JMD perform an adequate hazardous waste determination for the waste corrosive solids. This determination should be made using analytical testing. This testing should include, at a minimum, the New Hampshire procedure for determining the corrosivity characteristic for non-aqueous corrosive waste (NH02), as specified in Env-Wm 403.04(b)(3). JMD will need to provide the results of the hazardous waste determination, along with any other supporting data, including the results of the chemical analyses, to DES.

3. Env-Wm 509.02(a)(2) – Personnel Training

A review of JMD's personnel training records revealed the following:

- a. The Emergency Coordinators identified below had not received annual reviews of hazardous waste training for the years noted:
 1. Bruce Cyr – 2003 and 2005; and
 2. John Dedeus – 2001, 2002, 2004, and 2005.
- b. JMD had not provided initial hazardous waste training to the following employees with hazardous waste management duties:
 1. James Dedeus, Facility Manager; and
 2. Dominic Ternullo, Emergency Contact on the emergency posting.

Additionally, the training records failed to document a training program which includes a list of hazardous waste job titles, job descriptions, descriptions of introductory and continuing training to be provided for each position, and names of employees filling each position.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that initial training and annual reviews are conducted for personnel handling hazardous waste, and requires full quantity generators to maintain specific documents and records related to personnel training.

DES requests that JMD conduct and document hazardous waste training and annual reviews for all employees who have hazardous waste responsibilities, including the emergency coordinators.

DES also requests that JMD maintain a written personnel training program which provides a description of the type and amount of introductory and continuing training that is given to persons filling each hazardous waste related position, and documentation of hazardous waste job titles, job descriptions, and names of employees filling each position.

In a fax received on March 17, 2006, Allison Viger, Administrative Manager, provided a written personnel training program; however the program failed to list the name of each employee with hazardous waste duties, specifically, John Dedeus and Dominic Ternullo.

JMD will need to ensure the following: 1) all hazardous waste employees receive annual reviews of hazardous waste training and 2) all employees with hazardous waste duties are accounted for in the written personnel training program.

4. Env-Wm 509.02(a)(4) – Preparedness and Prevention Requirements

At the time of the inspection, JMD failed to ensure that the designated emergency

telephone nearest to the hazardous waste storage area was operational.

Env-Wm 509.02(a)(4), which references 40 CFR 265 Subpart C, Preparedness and Prevention, requires generators to test and maintain all facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, to assure its proper operation in time of emergency.

DES requested that JMD test and maintain, at the main hazardous waste storage area, required equipment, including the emergency telephone, as specified in Env-Wm 509.02(a)(4), which references 40 CFR 265 Subpart C, Preparedness and Prevention.

In a fax received on March 13, 2006, Allison Viger stated that the emergency phone is now operational. No further action is required.

5. Env-Wm 509.02(a)(5) – Contingency Plan Requirements

At the time of the inspection, a review of JMD's contingency plan revealed that portions of the contingency plan were incomplete. Specific deficiencies are listed in the attached Contingency Plan Module.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requested that JMD revise and update its contingency plan to correct any deficiencies as identified in the enclosed Contingency Plan Module and submit a copy of the revised portions of the contingency plan to local authorities.

On March 20, 2006, DES received an updated contingency plan from JMD. Included with the submittal was a list of local emergency response authorities whom the plan was distributed to. No further action is required.

6. Env-Wm 510.02(d) - Manifest Copy Distribution

At the time of the inspection, JMD had not forwarded to DES, copies of thirty-eight (38) manifests. DES personnel collected the copies at the time of the inspection.

Env-Wm 510.02(d) requires that the generator retain one (1) copy of the manifest with signatures, and forward one (1) copy of the manifest with signatures to the destination state and one (1) copy to DES within five (5) days of shipment.

DES requested that JMD ensure manifest copies are properly retained and distributed for future shipments of hazardous waste.

In the fax received on March 13, 2006, Allison Viger stated that copy 7 of future manifests will be mailed within 5 days of shipment to DES. No further action is required.

7. Env-Wm 1102.03 and Env-Wm 1112.04 - Universal Waste Lamp Management

At the time of the inspection, eight (8) 8-foot universal waste lamps, observed in the main hazardous waste storage area, were not marked with the words "Universal Waste – Lamps," "Waste Lamp(s)," or "Used Lamp(s)." See the attached Container Inventory ("Inventory").

Env-Wm 1112.04 requires universal waste handlers of lamps to ensure each universal waste lamp or container(s) holding universal waste lamps to be clearly labeled or marked with any of the following: "Universal Waste – Lamps," "Waste Lamp(s)," or "Used Lamp(s)."

DES requested that JMD clearly label or mark universal waste lamps and/or the container(s) holding universal waste lamps with any of the following: "Universal Waste – Lamps," "Waste Lamp(s)," or "Used Lamp(s)."

In the fax received on March 13, 2006, Allison Viger stated that the fluorescent light bulbs had been containerized and labeled. No further action is required.

8. Env-Wm 1102.03(c) and Env-Wm 1112.03(a) – Universal Waste Container Requirements

At the time of inspection, the eight (8) 8-foot universal waste lamps, observed in the main hazardous waste storage area, were not stored in containers. These lamps were stored lying flat on a secure shelf. See the attached Inventory.

Env-Wm 1112.03(a) requires universal waste handlers to store intact and broken universal waste lamps in container(s) that meet the requirements of Env-Wm 1102.03(c). Env-Wm 1102.03(c) furthermore stipulates the containers must be closed, compatible with the universal waste and its contents, and free of defects, design characteristics or damage.

DES requested JMD to ensure all universal waste lamps generated at the facility are placed and stored in containers that meet the requirements of Env-Wm 1102.03(c).

In the fax received on March 13, 2006, Allison Viger stated that the fluorescent light bulbs had been containerized and labeled. No further action is required.

DES believes the remaining portion of the cited deficiencies can be corrected and **a report describing the corrective measures taken by JMD can be submitted within thirty (30) days of receipt of this letter.** Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against JMD including issuing an order requiring that the deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may re-inspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Robert Bishop, Waste Management Specialist
DES/WMD
P.O. Box 95
Concord, NH 03302-0095

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This report may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous

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with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at (1-866) HAZ-WAST (in-state only) or (603) 271-2942.

Should you have any questions regarding this letter, please contact Robert Bishop, or Tod Leedberg, RCRA Compliance Supervisor at 271-2942. Thank you for your continued cooperation.

Sincerely,

~~COPY~~

John J. Duclos, Administrator
Hazardous Waste Compliance Bureau
Waste Management Division

cc: DB/RCRA/LOD/Archives
Anthony P. Giunta, P.G., Director, WMD/ Paul L. Heirtzler, P.E., Esq., Administrator, WMP, WMD
Gretchen Hamel, Administrator, DES Legal Unit

ec: JJD/SD

Enclosure: Hazardous Waste Generator Inspection Report